

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

J&R DOOLEY SHELLFISH, LLC,

Plaintiff,

V.

JASON KING,

C17-672 TSZ

## MINUTE ORDER

**Defendant.**

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Plaintiff's motion for service by publication, docket no. 6 is DENIED without prejudice. Federal Rule of Civil Procedure 4(e)(1) permits parties to serve summons by, among other methods, "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." RCW 4.28.100 permits service by publication where the defendant cannot be found in the state, provided that certain other statutory requirements are met. RCW 4.28.100. A party seeking to serve via publication must strictly comply with the requirements of RCW 4.28.100, *Longview Fibre Co. v. Stokes*, 52 Wn. App. 241, 243-44 (1988), and must show that "due diligence" was used to locate the defendant for service of process by "honest and reasonable efforts" before service by publication is authorized, *Carson v. Northstar Dev. Co.*, 62 Wn. App. 310, 315 (1991). Here, plaintiff has failed to strictly comply with the RCW 4.28.100 because the affidavit from the process server who attempted service does not aver facts demonstrating that all of the criteria of RCW 4.28.100 have been satisfied. Furthermore, it appears that plaintiff has taken no other steps to locate the defendant other than a single attempt to serve him at the address listed on the Notice of Claim of Lien. The Court is not satisfied that this

1 single attempt to effect service constitutes "due diligence" sufficient to allow service by  
2 publication.

3       (2)     The Clerk is directed to send a copy of this Minute Order to all counsel of  
4 record.

5                      Dated this 8th day of June, 2017.

6                                  William M. McCool  
7                                  Clerk

8                                  s/Karen Dews  
9                                  Deputy Clerk